

RESOLUTION NO. 05-121

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **LATERAL 1, MAIN 6, NORTHWEST INTERCEPTOR SEWER, (NORTH OF 21ST, WEST OF MAIZE) 468-83969**, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF **LATERAL 1, MAIN 6, NORTHWEST INTERCEPTOR SEWER, (NORTH OF 21ST, WEST OF MAIZE) 468-83969**, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct **Lateral 1, Main 6, Northwest Interceptor Sewer, (north of 21st, west of Maize) 468-83969**.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **One Hundred Fifty Thousand Dollars (\$150,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **March 1, 2005**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

EVERGREEN ADDITION

Lot 23, Block 7

TRACT "A"

A PORTION OF LOT 1, BLOCK 1, NEWMARKET SQUARE AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 1, NEWMARKET SQUARE, AN ADDITION TO WICHITA, SEDGWICK, COUNTY, KANSAS; THENCE BEARING S01°22'49"W, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 539.16 FEET; THENCE BEARING N88°37'11"W, A DISTANCE OF 426.92 FEET TO THE P.C. OF A CURVE TO THE RIGHT WITH A RADIUS OF 20.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 78°54'53", AN ARC DISTANCE OF 27.55 FEET TO THE P.C. OF A CURVE TO THE LEFT WITH A RADIUS OF 247.50 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL

ANGLE OF 78°54'53", AN ARC DISTANCE OF 340.89 FEET TO THE P.C. OF A CURVE TO THE RIGHT WITH A RADIUS OF 25.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 81°08'10", AN ARC DISTANCE OF 35.40 FEET; THENCE BEARING N01°22'49"E, A DISTANCE OF 238.34 FEET; THENCE BEARING N88°37'11"W, A DISTANCE OF 294.62 FEET; THENCE BEARING S01°22'49"W, A DISTANCE OF 97.47 FEET; THENCE BEARING N88°37'11"W, A DISTANCE OF 292.35 FEET TO THE WEST LINE OF SAID LOT 1; THENCE BEARING N01°20'39"E, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 134.52 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE BEARING S89°48'16"E, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 1,279.76 FEET TO THE POINT OF BEGINNING.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

Lot 26, Block 7, EVERGREEN ADDITION shall pay 7/10 of the total cost of the improvement. And Tract "A" shall pay 3/10 of the total cost of the improvement.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1980 Supp. 12-6a01 et seq., as amended and supplemented, and K.S.A. 12-693.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, March 8, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)